

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1648**

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**Introduced by Assembly Members Jeffries and Chesbro**

January 13, 2010

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*An act relating to vehicles. An act to amend Sections 12804.9 and 15278 of, to add Section 12804.11 to, and to repeal Sections 12954, 15250.6, and 15250.7 of, the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1648, as amended, Jeffries. Vehicles: firefighter's driver's license.

Existing law authorizes the Department of Motor Vehicles to issue a restricted driver's license for the appropriate class of vehicle to a firefighter for the operation of firefighting equipment.

*This bill would state the intent of the Legislature to enact legislation regarding testing and licensing for a restricted firefighter's driver's license revise those provisions to instead require a driver to obtain a firefighter endorsement issued by the department to operate firefighting equipment with a Class C license. The bill requires the driver to provide evidence to the department of successful completion of firefighter equipment operation training with a fire department, and pass a written examination developed by the department with the cooperation of the State Fire Marshal.*

*The bill would make related changes.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 12804.9 of the Vehicle Code is amended*  
2     *to read:*

3     12804.9. (a) (1) The examination shall include all of the  
4     following:

5     (A) A test of the applicant's knowledge and understanding of  
6     the provisions of this code governing the operation of vehicles  
7     upon the highways.

8     (B) A test of the applicant's ability to read and understand  
9     simple English used in highway traffic and directional signs.

10    (C) A test of the applicant's understanding of traffic signs and  
11    signals, including the bikeway signs, markers, and traffic control  
12    devices established by the Department of Transportation.

13    (D) An actual demonstration of the applicant's ability to exercise  
14    ordinary and reasonable control in operating a motor vehicle by  
15    driving it under the supervision of an examining officer. The  
16    applicant shall submit to an examination appropriate to the type  
17    of motor vehicle or combination of vehicles he or she desires a  
18    license to drive, except that the department may waive the driving  
19    test part of the examination for any applicant who submits a license  
20    issued by another state, territory, or possession of the United States,  
21    the District of Columbia, or the Commonwealth of Puerto Rico if  
22    the department verifies through any acknowledged national driver  
23    record data source that there are no stops, holds, or other  
24    impediments to its issuance. The examining officer may request  
25    to see evidence of financial responsibility for the vehicle prior to  
26    supervising the demonstration of the applicant's ability to operate  
27    the vehicle. The examining officer may refuse to examine an  
28    applicant who is unable to provide proof of financial responsibility  
29    for the vehicle, unless proof of financial responsibility is not  
30    required by this code.

31    (E) A test of the hearing and eyesight of the applicant, and of  
32    other matters that may be necessary to determine the applicant's  
33    mental and physical fitness to operate a motor vehicle upon the  
34    highways, and whether any grounds exist for refusal of a license  
35    under this code.

36    (2) The examination for a class A or class B driver's license  
37    under subdivision (b) shall also include a report of a medical  
38    examination of the applicant given not more than two years prior

1 to the date of the application by a health care professional. As used  
 2 in this paragraph, “health care professional” means a person who  
 3 is licensed, certified, or registered in accordance with applicable  
 4 state laws and regulations to practice medicine and perform  
 5 physical examinations in the United States. Health care  
 6 professionals are doctors of medicine, doctors of osteopathy,  
 7 physician assistants, and registered advanced practice nurses, or  
 8 doctors of chiropractic who are clinically competent to perform  
 9 the medical examination presently required of motor carrier drivers  
 10 by the federal Department of Transportation. The report shall be  
 11 on a form approved by the department, the federal Department of  
 12 Transportation, or the Federal Aviation Administration. In  
 13 establishing the requirements, consideration may be given to the  
 14 standards presently required of motor carrier drivers by the Federal  
 15 Highway Administration.

16 (3) A physical defect of the applicant that, in the opinion of the  
 17 department, is compensated for to ensure safe driving ability, shall  
 18 not prevent the issuance of a license to the applicant.

19 (b) In accordance with the following classifications, an applicant  
 20 for a driver’s license shall be required to submit to an examination  
 21 appropriate to the type of motor vehicle or combination of vehicles  
 22 the applicant desires a license to drive:

23 (1) Class A includes the following:

24 (A) A combination of vehicles, if a vehicle being towed has a  
 25 gross vehicle weight rating of more than 10,000 pounds.

26 (B) A vehicle towing more than one vehicle.

27 (C) A trailer bus.

28 (D) The operation of all vehicles under class B and class C.

29 (2) Class B includes the following:

30 (A) A single vehicle with a gross vehicle weight rating of more  
 31 than 26,000 pounds.

32 (B) A single vehicle with three or more axles, except any  
 33 three-axle vehicle weighing less than 6,000 pounds.

34 (C) A bus except a trailer bus.

35 (D) A farm labor vehicle.

36 (E) A single vehicle with three or more axles or a gross vehicle  
 37 weight rating of more than 26,000 pounds towing another vehicle  
 38 with a gross vehicle weight rating of 10,000 pounds or less.

39 (F) A house car over 40 feet in length, excluding safety devices  
 40 and safety bumpers.

1 (G) The operation of all vehicles covered under class C.

2 (3) Class C includes the following:

3 (A) A two-axle vehicle with a gross vehicle weight rating of  
4 26,000 pounds or less, including when the vehicle is towing a  
5 trailer or semitrailer with a gross vehicle weight rating of 10,000  
6 pounds or less.

7 (B) Notwithstanding subparagraph (A), a two-axle vehicle  
8 weighing 4,000 pounds or more unladen when towing a trailer  
9 coach not exceeding 9,000 pounds gross.

10 (C) A house car of 40 feet in length or less.

11 (D) A three-axle vehicle weighing 6,000 pounds gross or less.

12 (E) A house car of 40 feet in length or less or vehicle towing  
13 another vehicle with a gross vehicle weight rating of 10,000 pounds  
14 or less, including when a tow dolly is used. A person driving a  
15 vehicle may not tow another vehicle in violation of Section 21715.

16 (F) (i) A two-axle vehicle weighing 4,000 pounds or more  
17 unladen when towing either a trailer coach or a fifth-wheel travel  
18 trailer not exceeding 10,000 pounds gross vehicle weight rating,  
19 when the towing of the trailer is not for compensation.

20 (ii) A two-axle vehicle weighing 4,000 pounds or more unladen  
21 when towing a fifth-wheel travel trailer exceeding 10,000 pounds,  
22 but not exceeding 15,000 pounds, gross vehicle weight rating,  
23 when the towing of the trailer is not for compensation, and if the  
24 person has passed a specialized written examination provided by  
25 the department relating to the knowledge of this code and other  
26 safety aspects governing the towing of recreational vehicles upon  
27 the highway.

28 The authority to operate combinations of vehicles under this  
29 subparagraph may be granted by endorsement on a class C license  
30 upon completion of that written examination.

31 (G) A vehicle or combination of vehicles with a gross  
32 combination weight rating or a gross vehicle weight rating, as  
33 those terms are defined in subdivisions (j) and (k), respectively,  
34 of Section 15210, of 26,000 pounds or less, if all of the following  
35 conditions are met:

36 (i) Is operated by a farmer, an employee of a farmer, or an  
37 instructor credentialed in agriculture as part of an instructional  
38 program in agriculture at the high school, community college, or  
39 university level.

40 (ii) Is used exclusively in the conduct of agricultural operations.

1 (iii) Is not used in the capacity of a for-hire carrier or for  
2 compensation.

3 (H) *Firefighting equipment if all of the following conditions are*  
4 *met:*

5 (i) *Is operated by a person employed as a firefighter by a federal*  
6 *or state agency or by a regularly organized fire department of a*  
7 *city, county, city and county, or district, or registered as a*  
8 *volunteer member of a regularly organized fire department having*  
9 *official recognition of the city, county, city and county, or district*  
10 *in which the department is located.*

11 (ii) *Is operated by a person with a valid license with a firefighter*  
12 *endorsement, pursuant to Section 12804.11.*

13 (iii) *For purposes of this subparagraph, “firefighting*  
14 *equipment” means a motor vehicle used to travel to and from the*  
15 *scene of any emergency situation, or to transport equipment used*  
16 *in the control of any emergency situation, and which is owned,*  
17 *leased, or rented by, or under the exclusive control of, a federal*  
18 *or state agency, a regularly organized fire department of a city,*  
19 *county, city and county, or district, or a volunteer fire department*  
20 *having official recognition of the city, county, city and county, or*  
21 *district in which the department is located.*

22 ~~(H)~~

23 (I) A motorized scooter.

24 ~~(H)~~

25 (J) Class C does not include a two-wheel motorcycle or a  
26 two-wheel motor-driven cycle.

27 (4) Class M1. A two-wheel motorcycle or a motor-driven cycle.  
28 Authority to operate a vehicle included in a class M1 license may  
29 be granted by endorsement on a class A, B, or C license upon  
30 completion of an appropriate examination.

31 (5) (A) Class M2 includes the following:

32 (i) A motorized bicycle or moped, or a bicycle with an attached  
33 motor, except a motorized bicycle described in subdivision (b) of  
34 Section 406.

35 (ii) A motorized scooter.

36 (B) Authority to operate vehicles included in class M2 may be  
37 granted by endorsement on a class A, B, or C license upon  
38 completion of an appropriate examination, except that no  
39 endorsement is required for a motorized scooter. Persons holding

1 a class M1 license or endorsement may operate vehicles included  
2 in class M2 without further examination.

3 (c) A driver's license or driver certificate is not valid for  
4 operating a commercial motor vehicle, as defined in subdivision  
5 (b) of Section 15210, any other motor vehicle defined in paragraph  
6 (1) or (2) of subdivision (b), or any other vehicle requiring a driver  
7 to hold any driver certificate or any driver's license endorsement  
8 under Section 15275, unless a medical certificate approved by the  
9 department, the federal Department of Transportation, or the  
10 Federal Aviation Administration, that has been issued within two  
11 years of the date of the operation of that vehicle, is within the  
12 licensee's immediate possession, and a copy of the medical  
13 examination report from which the certificate was issued is on file  
14 with the department. Otherwise, the license is valid only for  
15 operating class C vehicles that are not commercial vehicles, as  
16 defined in subdivision (b) of Section 15210, and for operating class  
17 M1 or M2 vehicles, if so endorsed, that are not commercial  
18 vehicles, as defined in subdivision (b) of Section 15210.

19 (d) A license or driver certificate issued prior to the enactment  
20 of Chapter 7 (commencing with Section 15200) is valid to operate  
21 the class or type of vehicles specified under the law in existence  
22 prior to that enactment until the license or certificate expires or is  
23 otherwise suspended, revoked, or canceled.

24 (e) The department may accept a certificate of driving skill that  
25 is issued by an employer, authorized by the department to issue a  
26 certificate under Section 15250, of the applicant, in lieu of a driving  
27 test, on class A or B applications, if the applicant has first qualified  
28 for a class C license and has met the other examination  
29 requirements for the license for which he or she is applying. The  
30 certificate may be submitted as evidence of the applicant's skill  
31 in the operation of the types of equipment covered by the license  
32 for which he or she is applying.

33 (f) The department may accept a certificate of competence in  
34 lieu of a driving test on class M1 or M2 applications, when the  
35 certificate is issued by a law enforcement agency for its officers  
36 who operate class M1 or M2 vehicles in their duties, if the applicant  
37 has met the other examination requirements for the license for  
38 which he or she is applying.

39 (g) The department may accept a certificate of satisfactory  
40 completion of a novice motorcyclist training program approved

1 by the commissioner pursuant to Section 2932 in lieu of a driving  
2 test on class M1 or M2 applications, if the applicant has met the  
3 other examination requirements for the license for which he or she  
4 is applying. The department shall review and approve the written  
5 and driving test used by a program to determine whether the  
6 program may issue a certificate of completion.

7 (h) Notwithstanding subdivision (b), a person holding a valid  
8 California driver's license of any class may operate a short-term  
9 rental motorized bicycle without taking any special examination  
10 for the operation of a motorized bicycle, and without having a  
11 class M2 endorsement on that license. As used in this subdivision,  
12 "short-term" means 48 hours or less.

13 (i) A person under the age of 21 years may not be issued a class  
14 M1 or M2 license or endorsement unless he or she provides  
15 evidence satisfactory to the department of completion of a  
16 motorcycle safety training program that is operated pursuant to  
17 Article 2 (commencing with Section 2930) of Chapter 5 of Division  
18 2.

19 (j) A driver of a vanpool vehicle may operate with a class C  
20 license but shall possess evidence of a medical examination  
21 required for a class B license when operating vanpool vehicles. In  
22 order to be eligible to drive the vanpool vehicle, the driver shall  
23 keep in the vanpool vehicle a statement, signed under penalty of  
24 perjury, that he or she has not been convicted of reckless driving,  
25 drunk driving, or a hit-and-run offense in the last five years.

26 (k) A class M license issued between January 1, 1989, and  
27 December 31, 1992, shall permit the holder to operate any  
28 motorcycle, motor-driven cycle, or motorized bicycle until the  
29 expiration of the license.

30 *SEC. 2. Section 12804.11 is added to the Vehicle Code, to*  
31 *read:*

32 *12804.11. (a) A driver is required to obtain a firefighter*  
33 *endorsement issued by the department to operate firefighting*  
34 *equipment with a Class C license as provided for in subparagraph*  
35 *(H) of paragraph (3) of subdivision (b) of Section 12804.9. To*  
36 *qualify for a firefighter endorsement the driver shall do both of*  
37 *the following:*

38 *(1) Provide evidence to the department of successful completion*  
39 *of firefighter equipment operation training with a fire department.*

(2) *Pass a written examination. The written examination shall be developed by the department with the cooperation of the State Fire Marshal. The department shall include a sufficient number of questions to ensure that passing the special examination under this section ensures a level of safety comparable to examinations given under Section 15250.*

(b) *There shall be no additional charge for adding a firefighter endorsement to an original license or when renewing a license. To add a firefighter endorsement to an existing license when not renewing the license, the applicant shall pay the fee for a duplicate license pursuant to Section 14901.*

*SEC. 3. Section 12954 of the Vehicle Code is repealed.*

~~12954. Section 12951, subdivision (a) of Section 15250.5, and subdivision (a) of Section 15250.6 do not apply to a person who has been issued, but does not have in his or her immediate possession, a currently valid and appropriate class driver's license or restricted driver's license for the operation of firefighting equipment and who is operating that equipment wholly within this state under the conditions described in subdivisions (a) and (b) of Section 21055, or is returning from the scene of the emergency or other situation described in those subdivisions.~~

*SEC. 4. Section 15250.6 of the Vehicle Code is repealed.*

~~15250.6. (a) A person shall not operate firefighting equipment unless that person has in his or her immediate possession a valid driver's license for the appropriate class of vehicle operated, or a license issued pursuant to subdivision (b).~~

~~(b) The department may issue a restricted driver's license for the appropriate class of vehicle to a firefighter for the operation of firefighting equipment. The restricted license shall be valid only for operating (1) firefighting equipment within this state, or in another state during a response under a mutual aid pact, or (2) any vehicle for which a class C driver's license is required.~~

~~(c) The restricted firefighter's license may be issued only to an applicant qualified by examination prescribed and conducted by the department.~~

~~The pretrip inspection and driving test required to receive the license shall be the same as required to obtain a license under Section 15250.~~

~~The written examination shall be developed by the department with the cooperation of the State Fire Marshal. The department~~

1 shall include a sufficient number of questions from the  
2 examinations required to obtain a license under Section 15250 to  
3 ensure that passing the special examination under this section  
4 ensures a level of safety comparable to examinations given under  
5 Section 15250.

6 (d) In lieu of a report of medical examination required by  
7 Section 12804.9, an applicant for a restricted license issued  
8 pursuant to subdivision (b) shall, upon application and every two  
9 years thereafter, submit medical information on a form approved  
10 by the department.

11 (e) Upon application for issuance of an original driver's license  
12 pursuant to subdivision (b), or for a renewal of a driver's license  
13 issued pursuant to subdivision (b), a fee of thirty-four dollars (\$34);  
14 and on and after January 1, 2010, a fee of thirty-nine dollars (\$39);  
15 shall be paid to the department for a license that will expire on the  
16 fifth birthday of the applicant following the date of the application.

17 (f) A "firefighter" is a person employed as a firefighter by a  
18 federal or state agency or by a regularly organized fire department  
19 of a city, county, city and county, or district, or registered as a  
20 volunteer member of a regularly organized fire department having  
21 official recognition of the city, county, city and county, or district  
22 in which the department is located.

23 (g) "Firefighting equipment" means a motor vehicle used to  
24 travel to and from the scene of any emergency situation, or to  
25 transport equipment used in the control of any emergency situation;  
26 and which is owned, leased, or rented by, or under the exclusive  
27 control of, a federal or state agency, a regularly organized fire  
28 department of a city, county, city and county, or district, or a  
29 volunteer fire department having official recognition of the city,  
30 county, city and county, or district in which the department is  
31 located.

32 (h) For purposes of the penalties and sanctions prescribed by  
33 Article 7 (commencing with Section 15300), the operation of  
34 firefighting equipment under a license issued pursuant to  
35 subdivision (b) is deemed to be the operation of a commercial  
36 motor vehicle.

37 *SEC. 5. Section 15250.7 of the Vehicle Code is repealed.*

38 15250.7. Upon application for issuance of a duplicate driver's  
39 license under subdivision (b) of Section 15250.6, there shall be

1 ~~paid to the department a fee of twenty-seven dollars (\$27), and on~~  
2 ~~and after January 1, 2010, a fee of twenty-nine dollars (\$29).~~

3 *SEC. 6. Section 15278 of the Vehicle Code is amended to read:*

4 15278. (a) A driver is required to obtain an endorsement issued  
5 by the department to operate any commercial motor vehicle that  
6 is any of the following:

7 (1) A double trailer.

8 (2) A passenger transportation vehicle, which includes, but is  
9 not limited to, a bus, farm labor vehicle, or general public  
10 paratransit vehicle when designed, used, or maintained to carry  
11 more than 10 persons including the driver.

12 (3) A schoolbus.

13 (4) A tank vehicle.

14 (5) A vehicle carrying hazardous materials, as defined in Section  
15 353, that is required to display placards pursuant to Section 27903,  
16 unless the driver is exempt from the endorsement requirement as  
17 provided in subdivision (b). This paragraph does not apply to any  
18 person operating an implement of husbandry who is not required  
19 to obtain a driver's license under this code.

20 (b) This section does not apply to any person operating a vehicle  
21 in an emergency situation at the direction of a peace officer  
22 pursuant to Section 2800, ~~or to a driver issued a restricted~~  
23 ~~firefighter's license and driving a vehicle operated for the purpose~~  
24 ~~of hauling compressed air tanks for breathing apparatus that do~~  
25 ~~not exceed 2,500 pounds.~~

26 ~~(c) This section shall become operative on September 20, 2005.~~

27 ~~SECTION 1. It is the intent of the Legislature to enact~~  
28 ~~legislation regarding testing and licensing for the issuance of a~~  
29 ~~restricted driver's license for the appropriate class of vehicle to a~~  
30 ~~firefighter for the operation of firefighting equipment.~~